

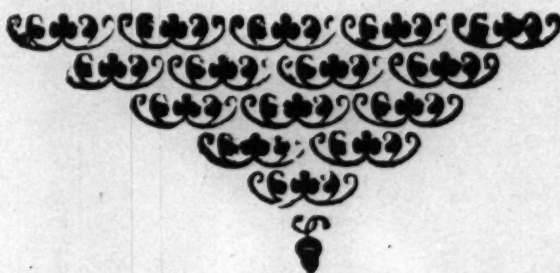
(31.5)
Treatie of Marine,
Between the Illustrious
and Most Mightie KING
CHARLES
THE SECOND,

By the Grace of GOD, King of Greate Brittain,
France, and Ireland, Defendor of the Faith, &c.

AND THE
High & Mightie LORDS, the
STATES GENERALL,
of the VNITED NETHERLANDS.

*To be observed, in all the severall partes throughout
the whole VVorld, by Land, and by Sea.*

Concluded in London, the first of December 1674.



In the Savoy, Printed by the Assigns of Iohn Bill, and Christopher
Barker, Printers to the Kings most Majesty. 1675.

of Marine

the glorious

ARMY

RECORDS

of the

ROYAL

NAVY

AND

ARMY

RECORDS

of the

ROYAL

NAVY

AND

ARMY

RECORDS

of the


ROYAL

Treatie of Marine,
Between the Illustrous and most Mightie KING
C H A R L E S
T H E S E C O N D,

By the Grace of GOD, King of Greate Britain, France,
and Ireland, Defendor of the Faith, &c.

And the High & Mightie LORDS, the
S T A T E S G E N E R A L L,
of the UNITED NETHERLANDS,

To be observed, in all the severall partes, throughout the whole Worlde, by Land, and by Sea,
Concluded in London, the first of December 1674.

 Hereas by the Treatie Concluded at Westminster, the 9 of Febr. 1674. between the Illustrous and most mightie King, Charles the second, by the Grace of God, King of Greate Brittain, France, and Ireland, defendor of the faith &c. And the High and Mightie States Generall, of the united Netherlands: it is agreed, by the Eighth, and Nineth Article, That six Commissioners to be named on the parte of the said. Illustrous King of Greate Brittain, with the like number on the parte of the Lords the States Generall, to be sent to London, A treatie shoules be made, And whereas Thomas Lord Culpeper, George Downing, Knight and Baronet, Richard Ford, William Thompson Knights, Iohn Iollif, and Iohn Buckworth Esquires, are to that End appointed, by the aforementioned Illustrous King of Greate Brittain, As also that Iohn Corver, and Giles Sautin, Schepen, and Councell of the Cittie of Amsterdam, Samuel Beyer, and Andrew van Vossen, Councell, and Recorder, of the respective Citties of Rotterdam, and Enckhuysen, Pieter Duyvelaer, late Burghemaster of Middelburgh, And

And Michel Michelson, Schepen and Councell of the Cittie of
Flushing, Commissionors sent to London, on the parte of the
Lords States Generall, have had Severall meetings, and deba-
tes, touching that matter, have finally by vertue of their full
powers (incerted at th' End of this treatie) in order to th' afore-
said Articles unanimously Consented, and agreed, on the fol-
lowing Articles, of A Treatie, of Marine, to be observed in
all the Severall partes of the Worlde, by Land, and by Sea,

I.

All and Everie the subjects, of the most serene, and Mighty *King of Great Brit-
tain*, beforenamed, shall with all safety, and Freedome, Sail, and Traffick, with
Allmanner of Marchandises, in all Kingdomes, Countries, and Estates, wich are,
or shalbe, in Peace, Amitie, or Newtrallitie, with the said King, without being
troubled, or disquieted in that libertie, by any of the Ships of Warr, or other
Vessels, belonging unto the *States Generall*, or any of their subjects, under Co-
lour of any Emnity, or difference, wich now, or hereafter, might happen, to
arise, betweene the *States Generall*, and any Nation, which shal be in Peace and
Newtrallitie with the said King: In likemanner, all and Everie the subjects of the
States Generall, shall with all Safety, and Freedome, Saile, and Traffick, with all
Manner of Marchandises, in all the Kingdomes, Countries, and Estates, wich
are, or shalbe, in Peace, Amitie, or Newtrallitie, with te said *States*, whout
being troubled, or disquied, in that libertie, by any of the Ships of Warr, or
other Vessels, belonging to the said King, or any of his subjects, under Colour
of any Emnity, or difference, which now, or hereafter, might happen to arise,
betweene the said King, and any Nation, which shalbe in Peace, and Newtralli-
tie, with the said *States*.

II.

This Freedome of Navigation, and Traffick, shall extend, to all sortes of
Marchandises, which may be transported in times of Peace, and shall not be di-
sturbed under any pretence of warre, Savenig only suck goods, as are declared
Contrabande, in the following Article.

III.

Under the name of Contrabande, or wares forbidden, are only comprehended,
Armes, Muskets or Barrels, and their appurtenances, Fireworkes, Gunpowder,
Match, Ball, Swords, Lances, Pikes, Halbards, Canon, Mortar-peefes, Pe-
cades, Granadoes, Rest, Bandeliers, Saltperer, Muskets Bullets, Morions,
Headpeefes, Brestplates, Quirasses, and such like Armes, Souldiers, Horses,
and all Manner of vtensils belonging to horse, Holsters, Belts, and whatsoever
else may be needfull in War.

IIII.

Amongst the wares forbidden, or Contrabande, these following shall not be
included, viz Cloth, and all Manufactures Made of Wool, Linnen, Cotton, or
any other Stuffs, all Manner of clothes, or clothings, with the Stuffs whereof
they

they are made; Gould or Silver, Coined, or Uncoined, Tinn, Iron, Lead, Copper, Coales, Wheate, Barley, and allothier Kinde of Corne, Tabacco, and all manner of Spice, Salted, and dried Flesh, or Fish, Cheese, or Butter Beere, Oile, Wine, Sugar, and al Kinde of Salte, as also all manner of things usefull for the food of mankinde, furthermore, Hempe, Tarre, Pitch, all sortes of Roapes, Sailes, Anckers, Mafts, Plancks for Schipping, Deales, and Balkes of all Sortes, and Generally, all things necessary for building, or repairing of shippes, Yea all manner of wares, and Merchandise, shalbe Accounted free, which are not Expressed, in the foregoing Article, and the transportation of them shalbe permitted, by any of the *Kings* subjects, Even unto places in Emnity with the *States*, as also in likemanner, by any of the subjects of the *States*, unto places In Emnity with the *King*, Except such Citties, and places, as are besieged, blocked up, or Invested.

V

And to remove all manner of differences, or discontents, which might happen, by Land, or Sea, it is agreed, that all Ships, belonging unto the subjects of the said *King*, which shall enter Into any roade, or porte, belonging unto the *States*, and purposing to pass from thence, schalbe only obliged, to shew unto th' *Officers* off such porte, or in case there be any Ships of warre, or other Ships having Commission, unto the Chiefe *Commandors* thereof, their passports, without paying, or giving, ought unto them, But in Case they shall meete with any of the *States* Ships of warre, or others having Commission, at Sea, without the Territories of the said *States*, they shall keepe at A reasonable distance, and shall only with two or three men in their boate, go aboarde of such Ship, or Vessel, as shall belong unto any of the *Kings* subjects, to see the Passports, Contraining the Lading of such Ship, wich being shewed, by the Captaine or Master of such Vessel, they may not be hindred, retarded, or forced, to alter his course, And the subjects of the *States* Generall, shall Enjoy the like freedome, Having shewed their Passports, in manner, as aforesaid, the Content wherof shalbe, as hereafter is Expressed.

VI.

But if any Ship belonging unto the subjects of the said *King*, shall saile to any porte, in Emnity with the *States*, or any Ship belonging unto any subject of the *States*, shall saile to any porte, In Emnity with the said *King*, be met at sea, such Ship, shall not only shew his passports, in forme as hereafter is Expressed, which he shalbe obliged to have, but also Certificates made by the Customer of that porte, from whence he shal set saile, Containing the Lading of such Ship, to th' End it may be knowne, Whether he have any Marchandises in his Ship, which are forbidden by the third Article of this treatie.

VII.

And in Case any goods or Marchandises, which are before declared to be contrabande, or forbidden, be found or discovered, by viewing of the said Certificates, to be made by the Customer of that porte from whence such Ship shall set saile, and be bound to any porte in Emnity with th' other partie, the Commander in chiefe of that Ship where such goods are found, Whether he be A subject of the said *King*, or of the *States*, shall not breake open the said Trunkes, Cases, Packs, or Fatts, Wherem such goods are, but in presence of
surve-

Surveyors, appointed by the Judges of Sea affaires, to be by them Inventorised, Yet none of them shal be sould, disposed of, or alienated, before Judiciall proceedings be made, and that the Judges of sea Causes, shall by their sentence have Condemned the same, Yet the Ship and all other Marchandises which be found therein, and are not forbidden by this treaty, shal be free, and not detained, or Confiscated, under any Pretence of Contraband goods Whatsoever, And in case some parte of the Lading only be forbidden, and Contrabande goods, the Commandor in Chife of such Ship, shewing him self willing, and readie, to deliver such unto him, that shall have found them, shall not in such case be forced, to Enter Into any porte, but leste al libertie, nor ani wise hindered, in the prosecution of his Intended voyage.

VIII.

It is further agreed, that all Goods belonging to subjects of the said *King*, which shal be found in Ships belonging to Ennemies of the *States*, though otherwise free, shal be Confiscable, and on the Contrary free, whatsoever shal be laden in Ships which belong unto subjects of the said *King*, though the whole Lading, or any parte thereof, might belong unto th'Ennemies of the *States*, Contra bande goods Excepted, which being seised, shal be proceeded aganist, as in th' aforegonig articles, In likemanner, what goods soever, belonging to the subjects of the *States Generall*, which shal be found laden in any Ship, belonging to th'Ennemies of the said *King*, though otherwise free, shal be Confiscable, and on the Contrary free, whatsoever shal be laden in Ships which shall belong unto subjects of the *States*, though the whole Lading, or any parte thereof, might belong unto th'Ennemies of the said *King*, Contra bande goods Excepted, which being seised shal be proceeded against, as in th'aforegoeing articles, But to th'End, that no unexpected dammage bedone, by th'one being Inpeace, when th'other may be in warr, it is provided and agreed, that any Ship belonging to th'Enemy of th'other, and laden with goods belonging to the subjects of th'other, the said goods shall not thereby be confiscable, in case they were laden, before the day, and time agreed upon, after declaring and publication of suchwar, viz if the goods were laden betweene the Soundings, and the ness in Norway, within six Weekes, after such declared war, from the said Soundings, to the Cittie of Tanger, within two Monerhs, and ten Wekes within the Mediteranean Sea; or within Eight Monerhs, in all other Coasts, and places of the Worlde, Where fore the goods, which shal be found laden in Ships belonging to th'Enemy, and appertaining unto the subjects of his Majesty, shall not be forfeited, but immediatly delivered unto the owners thereof, unless they were laden, after the day, and time, limited, within the severall districts, aforesaid, Yet so as the said wares which are called Contrabando, and for the said reason confiscable, shall not be transported to any porte belonging to th'Enemy, In like manner, the goods which shal be found laden, In Ships belonging to th'Enemy, & appertaining unto the subjects of the *States*, shall not be forfeited, but Immediatly delivered unto th'owners thereof, unless they were laden, after the day and time limited, within the severall districts, aforesaid, Yet so as the said wares, which are Called Contrabando, and for the said reason Confiscable, shall not be transported to any porte belonging unto th'Enemy.

And -

I X.

And to th'End that his Majesties and the *States* subjects, may be secured from damage, by Each others Ships of warr, or haveing private Commissions, all Commandors in chiefe, of any his Majesties, or the *States* Ships of warr, as also all their subjects Haveing private Commissions, and such as have Priveledge to Navigate to and fro, shalbe Commanded to abstaine from doing of any dammage to Each other, and In case they do otherwise, they shalbe punnished, and moreover be obliged to repair the dammage, where unto their persons, and goods, shalbe lyable.

X.

Wherefore all Commanders in Chiefe, of privatemens of war, shall before they have their Commissions, give sufficient security, by ablemen, that are not owners, or otherwise Interested therein, in the somme of fiftene hundred pounds sterling, or Sixteene Thowland five hundred Guildens, that they will give full satisfaction for any injuries, or wrongs, which that Ship may Commit in their Courses at Sea, and for their Captaines, and Officers, which shall violate this present treatie, or any other betweene his Majestie and the said *States*, under penalty, of forfeiting their said Commissions, In which the said Caution shalbe incerted as aforesaid, And moreover it is agreed, that the Ship shalbe obliged, to satisfie, & repaire, all such injurie, and dammage, as shalbe committed.

XI.

His Majestie, and the said *States*, shall treat Each others subjects, within their respective territories, with the like favour, & shall when any prizes are taken, give their Commands, That Iustice bedone, according to the rules of Equiry, & Iustice, by Iudges un suspected, and unconcerned, in the matter under debate, And his said Majestie, and the *States*, shall give strict orders, that all decrees, Iudgments, and orders, already given, and to be given, shalbe Executed, according to the tenure of them.

XII.

When the Ambassadors of the said *States Generall*, or any other of their publick Ministers, residing at his Majesties Court, shall make Complainre, of the Iudgements which shalbe given, his Majestie will cause a review to be made, of the said Iudgement, in his Councill, to Examine, whether the order, and precautions, Contained in the present treatie, have bin followed and observed, and will also provide, that Everie plaintiff shal have Iustice done him, within the space of three Moneths at the farthest, And when in like manner, his Majesties Ambassador, or other publick Minister Residing with the *States* shall make Complainre of the Iudgments which shalbe given, the *States Generall*, shall cause A review to be made, of the said Iudgment, in th'assembly of the *States Generall*, to Examine, whether the order, & precautions, contained In the present treatie, have bin followed and observed, nevertheless It shall not be lawfull, either before, or after, any decree, the review Yet pendant, to unlade, or sell, any of the goods in dispute, Without the consent, of parties concerned therein.

XIII.

The case depending, betweene the takers of prizes, and the claymors, or defendants, if it be decreed in favour of the defendant, such decrees shal have its
Exce-

Execution under caution given, notwithstanding the taker may have appealed, which rule shall not be followed when A decree is past against the defendant.

XIV,

And because Masters of Marchants Ships, and their Mariners, do many times suffer barbarous cruelties, when in times of warr, they fall in the hands, of Captains, by forcing of them to confess what they Would have, It is agreed, that his Majestie, and the *States Generall*, shall straightly forbid, such unchristian like Actions, and such as shalbe convinced by lawfull witnesses, shalbe punished severely, in terrour to others, and all Commanders in chiefe of Ships, which shall upon due prooffe have committed such villanous acts, by them selves, or others, at their Instigation, or connive at such actions, being acted, shall above the punishment to be Inflicted, be turned out of their service, and such Ship as shall be taken, and brought in as prize, whereof the Master, or Mariners shall have suffered any torture, shall Immediately be restored, and freed from any further Inquisition, or Incumbrance whatsoever, with all her lading.

XV.

It is also agreed, that severe punishment, shall likewise be Inflicted, on those who shall transgress against the 21 Article of the treatie of peace concluded at Breda, by taking of Commissions from An Enemy, to rob the Ships of an allie, otherwise then is Expressed in the said Article.

XVI.

Lastly it is agreed, and concluded, that this present treatie, and Every particular clause therein, shalbe ratified, and confirmed, as soone as possibly it may, and that the respective ratifications, shalbe Exchanged within two Moneths after the date hereof, And that the said treatie, within one Moneth after the said ratification shall be Exchanged, shalbe delivered in due forme unto the Chiefe directors of th' *English Companies*, trading to th' *East Indies* and *Africa*, as also to the directors of the *East*, and *West India Companies* of the *Netherlands*, And that his Majestie, and the *States Generall*, shall give Notice hereof, to all their respective Governours, and Commanders, of Colonies, and places, In any parte of the Worlde, as soone as possibly it may be, to th' End that Everie one, within the Limits of his Command, may precisely observe and Execute the same.

In all which and Every particular therein Contained Wee the Commissioners on the behalf of his Majestie, and the *States Generall* before named, by virtue of the power granted unto us have subscribed our Names unto these Articles and Sealed them with our seales: In London the first of December 1674.

And was Signed.

Th. Culpeper,	(L. S.)	(L. S.)	I. Corver.
G. Downing,	(L. S.)	(L. S.)	G. Sautijn.
Richard Ford,	(L. S.)	(L. S.)	Samuel Beyer.
Will. Thomson	(L. S.)	(L. S.)	And. van Vossen.
John Iollif.	(L. S.)	(L. S.)	Petrus Duvelaer.
John Buckworth.	(L. S.)	(L. S.)	Mich. Michielsens.

F I N.

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